

**REMARKS**

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 8 and 9 are cancelled herein without prejudice to or disclaimer of the subject matter contained therein. Claims 3 and 5 were previously cancelled. Claims 1, 2, 4, and 6, 7, and 10-13 are pending. Claims 1, 6, and 10 are independent, each of which is amended. The Examiner is respectfully requested to reconsider the rejections in view of the remarks set forth herein.

**Rejections Under 35 U.S.C. §103(a)**

Claims 1 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Noe et al. (U.S. 5,494,055) in view of Miyauchi et al. (U.S. 2002/0074007) and Le Gars (U.S. 5,143,099);

claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Noe et al. and Miyauchi et al., Le Gars, and Baker et al. (U.S. 4,624,268);

claims 6-8, 10, 12, and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Noe et al. and Miyauchi et al., Le Gars, and Lowman (U.S. 2,999,520); and

claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Noe et al., Miyauchi et al., and Lowman, Le Gars, Marchese et al. (U.S. 2,320,702) and Eckstein et al. (U.S. 2001/0009938-A1).

These rejections are respectfully traversed.

**Amendments to Independent Claim 1**

While not conceding the appropriateness of the Examiner's rejection, but merely to advance the prosecution of the present invention, **independent claim 1** has been amended to recite a combination of features, including *inter alia*

"wherein the carrier glue of said perfume emitting layer is applied to one of an outer surface of said inner wrapper and an inner surface of said outer wrapper to form an adhesive surface constituted by the one surface, and

the perfume material of said perfume emitting layer is diffused over the adhesive surface to form a layer of the perfume material."

Support for the amendments to **independent claim 1** can be found, for example, on page 10, line 24, to page 11, line 12.

**Amendments to Independent Claims 6 and 10**

While not conceding the appropriateness of the Examiner's rejection, but merely to advance the prosecution of the present invention, each of **independent claims 6 and 10** has been amended to recite a combination of features, including *inter alia*

"wherein said perfume material supply device includes

a glue applicator for applying glue onto the inner web or the outer web to thereby make an adhesive surface, and

a diffuser for diffusing a perfume emitting material in powder or grain form over the adhesive surface of the inner web or the outer web,

wherein said diffuser includes

a first brush roller rotatably located under said feeding path, for blowing up the perfume emitting material toward said adhesive surface of the inner web or the outer web,

a second brush roller rotatably located downstream of said first brush roller, for removing a surplus of the perfume emitting material attached to the adhesive surface, and

a cover located over said first or second feeding path and covering a surface of the inner or outer web opposite the first and second brush rollers.”

Support for the amendments to **independent claims 6 and 10** can be found, for example, on page 11, lines 23-31.

#### **Regarding the Present Invention**

The double wrapper cigarette of the present invention is characterized in that the perfume emitting layer includes an adhesive surface formed by the carrier glue; and a perfume material in powder or grain form adhering to the adhesive surface, so that the perfume material constitutes a layer.

#### **Regarding the Cited References**

No combination of Noe et al., Miyauchi et al., and Le Gars discloses or suggests the claimed combination of the adhesive surface and the layer of the perfume material.

In addition, in the manufacturing machine and method of the present invention, when the perfume material is applied to the adhesive surface of the inner or outer web, the back side of the web having the adhesive surface is covered with a cover, so that the traveling web

is securely supported and guided by the cover. Consequently, the application of the perfume material to the adhesive surface and the removal of the surplus perfume material can be effectively performed by the first and second brush rollers, ensuring that a layer of the perfume material with a desired thickness is formed on the adhesive surface.

At least for the reasons explained above, the Applicants respectfully submit that the combination of elements as set forth in each of **independent claims 1, 6, and 10** is not disclosed or made obvious by the prior art of record, including Noe et al., Miyauchi et al. and Le Gars.

Therefore, **independent claims 1, 6, and 10** are in condition for allowance.

**Dependent Claims**

The Examiner will note that dependent claims 8 and 9 have been cancelled.

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel features set forth therein.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a) are respectfully requested.

**CONCLUSION**

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

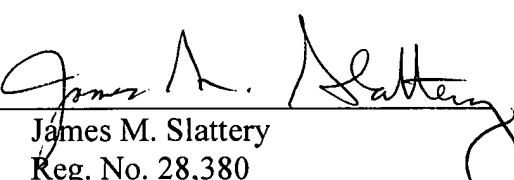
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 208-4030 (direct line).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

**Dated: January 05, 2010**

By



James M. Slattery

Reg. No. 28,380

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road, Suite 100E

P. O. Box 747

Falls Church, VA 22040-0747

(703) 205-8000

JMS:CTT:ktp 